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State Bar Court of California		
Hearing Department <input checked="" type="checkbox"/> Los Angeles <input type="checkbox"/> San Francisco		
PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND MENTAL HEALTH ISSUES		
Counsel for the State Bar OFFICE OF THE CHIEF TRIAL COUNSEL - ENFORCEMENT BROOKE A. SCHAFER 1149 South Hill Street, 9 <sup>th</sup> Floor Los Angeles, CA 90015-2299 Telephone: (213) 765-1000  Bar # 194824	Case Number(s)  02-C-11140-RAH; 04-C-10858-RAH	(for Court use)  <div style="text-align: center;"> <del>CONFIDENTIAL</del>  <b>LODGED</b>              JUL 31 2006              STATE BAR COURT              CLERK'S OFFICE              LOS ANGELES  <b>FILED</b>              FEB 03 2010              STATE BAR COURT              CLERK'S OFFICE              LOS ANGELES           </div>
<input type="checkbox"/> Counsel for Respondent <input checked="" type="checkbox"/> In Pro Per  BRYAN THOMAS CASTORINA 3500 Overland Avenue, Suite 110-102 Los Angeles, California 90034-5564 Telephone: (310) 204-4700  Bar # 162843	<div style="text-align: center;"> <b>PUBLIC MATTER</b>             Submitted to Program Judge   <b>STIPULATION RE FACTS AND CONCLUSIONS OF LAW</b>   <input type="checkbox"/> PREVIOUS STIPULATION REJECTED         </div>	
In the Matter of BRYAN THOMAS CASTORINA Bar # 162843 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

#### A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 14, 1992  
(date)
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition (to be attached separately) are rejected or changed by the Supreme Court. However, if Respondent is not accepted into the Lawyer Assistance Program, this stipulation will be rejected and will not be binding on Respondent or the State Bar.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated, except for Probation Revocation Proceedings. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation and order consists of 8 pages.
- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts, are also included under "Conclusions of Law."

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- (6) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (7) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§ 6086.10 & 6140.7 and will pay timely any disciplinary costs imposed in this proceeding.

**B. Aggravating Circumstances [Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1) ☐ **Prior Record of Discipline [see standard 1.2(f)]**
- (a) ☐ State Bar Court Case # of prior case \_\_\_\_\_
- (b) ☐ Date prior discipline effective \_\_\_\_\_
- (c) ☐ Rules of Professional Conduct/State Bar Action violations \_\_\_\_\_
- (d) ☐ Degree of prior discipline \_\_\_\_\_
- (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or under "Prior Discipline" (above)
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to the victims of his/her misconduct or the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrong doing or demonstrates a pattern of misconduct.
- (8) ☒ **No aggravating circumstances are involved.**

**Additional aggravating circumstances:**

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**C. Mitigating Circumstances [standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1) ☒ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☐ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation to the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings.
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat of force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish were directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drugs or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

**Additional mitigating circumstances:**

**ATTACHMENT TO**  
**STIPULATION RE FACTS, CONCLUSIONS OF LAW**

IN THE MATTER OF:      **BRYAN T. CASTORINA (Respondent")**, SB#162843

CASE NUMBERS:          **02-C-11140 and 04-C-10858-RAH**

**I.      PENDING PROCEEDINGS.**

The disclosure date referred to, on page one, paragraph A.(6), was October 18, 2005.

**II.     PARTIES ARE BOUND BY THE STIPULATED FACTS:**

The parties intend to be bound by the stipulated facts and conclusions of law contained in this stipulation. This stipulation as to facts shall independently survive even if the conclusions of law are later rejected or changed in any manner by the State Bar Court or the California Supreme Court.

**III.    WAIVER OF FINALITY OF CONVICTION (rule 607):**

Pursuant to the Rules of Procedure of the State Bar of California, rule 607, the parties stipulate that the Court may decide the issues as to the discipline to be imposed even if the criminal convictions discussed herein are not final. Accordingly, Respondent waives finality of his conviction and consents to the State Bar Court's jurisdiction over these matters, and he waives any right to appeal this stipulation on the basis of the validity of his underlying criminal convictions, including without limitation any successful appeals of those convictions.

**IV.    JURISDICTION**

Respondent has been a member of the State Bar of California since December 14, 1992. He has remained a member at all times relevant hereto, and consents to the court's jurisdiction over the matters herein.

**V.      STIPULATION AS TO FACTS AND CONCLUSIONS OF LAW.**

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct:

**02-C-11140-RAH (Banana Republic - Santa Monica)**

On January 24, 2002, Respondent entered a Banana Republic clothing store in Santa Monica, seeking a refund on a leather jacket. Respondent presented a receipt that store employees believed may be suspect.

An altercation arose during which time the police were called and Respondent taken into custody. A criminal complaint was later filed in Los Angeles County Superior Court, charging eight misdemeanor offenses for the above described incident. The complaint was later amended by interlineation to add Penal Code section 602(j), misdemeanor trespass. Respondent pled nolo contendere to the misdemeanor trespass charge and the remaining eight counts were dismissed.

The court accepted Respondent's plea to trespass and found him guilty on May 10, 2002. Among other conditions, Respondent was sentenced to two (2) years probation with conditions.

Conclusion of law – case no. 02-C-11140

– The facts and circumstances surrounding Respondent's conviction for trespass, a violation of Penal Code section 602(j), do not involve moral turpitude but constitute other misconduct warranting discipline, and a wilful violation of Business and Professions Code sections 6068(a).

04-C-10858-RAH (The Gap - Hollywood)

On September 1, 2003, Respondent entered The Gap store in Hollywood stating that he wanted to return some clothes purchased from another Gap store. The salesperson believed he recognized Respondent from an earlier suspicious incident, and asked Respondent to wait while the salesperson went to the back room for guidance. The salesperson soon verified with the store's Loss Prevention office that Respondent was the one wanted by Gap loss prevention – Respondent's picture had been circulated throughout several Gap stores for incidents involving alleged forged receipts.

While Respondent was waiting he approached another salesperson and asked to see the manager. When the employee went to get the manager, Respondent followed him into the rear storeroom, seeking return of his receipt. Loss Prevention Agent, Dennis Guevara ("Guevara"), then advised Respondent that he was in an employee only area and that he needed to wait outside in the main store area. Guevara tried to block the door with his foot. Guevara again told Respondent that he was trespassing.

Respondent then stated that he was a police officer. When Guevara told him that the police had been notified and it would be verified if he were an officer however, Respondent then stated that he said he was an attorney, not a police officer. Respondent then attempted to leave without the receipt. Due to the events transpiring by that time, however, Guevara told Respondent he could not leave until the police came. Respondent swung out at Guevara's neck and face in order to get by Guevara to leave, and a scuffle then broke out. Other security officers came to subdue the scuffle. These events occurred while Respondent was still on criminal probation for the incident at Banana Republic, described above.

The store contended that Respondent was the same person who, in January and March of 2003, had attempted to return merchandise using counterfeit receipts. That person, whom the store contended was Respondent, had at that time been told not to return to the Gap.

A criminal complaint was filed in Los Angeles County Superior Court, charging three misdemeanor offenses for the above described incident. The complaint was later amended to charge three additional counts. On August 9, 2004, Respondent plead nolo contendere to Assault (Penal Code sec. 240, a misdemeanor crime); Petty Theft (Penal Code sec. 490.1, an infraction) and Trespass (Penal Code sec. 602(j), a misdemeanor crime). The same day Respondent was sentenced to, among other things, 3 days jail and 36 months probation with conditions. The remaining counts were dismissed.

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Conclusion of law – case no. 02-C-11140

– The facts and circumstances surrounding Respondent's convictions for assault and trespass, violations of Penal Code sections 240 and 602(j) respectively, involve misconduct warranting discipline, and the conviction for petty theft, an infraction, Penal Code sec. 490.1, involves moral turpitude, and all constitute a wilful violation of Business and Professions Code sections 6068(a), 6101 and 6106.

/// End of Attachment ///

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In the Matter of  BRYAN THOMAS CASTORINA Bar # 162843	Case number(s): 02-C-11140-RAH; 04-C-10858-RAH
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### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts and Conclusions of Law.

Respondent enters into this stipulation as a condition of his/her participation in the Program. Respondent understands that he/she must abide by all terms and conditions of Respondent's Program Contract.

If the Respondent is not accepted into the Program or does not sign the Program contract, this Stipulation will be rejected and will not be binding on Respondent or the State Bar.

If the Respondent is accepted into the Program, upon Respondent's successful completion of or termination from the Program, this Stipulation will be filed and the specified level of discipline for successful completion of or termination from the Program as set forth in the State Bar Court's Statement Re: Discipline shall be imposed or recommended to the Supreme Court.

11/21/05  
Date

[Signature]  
Respondent's signature

BRYAN THOMAS CASTORINA  
Print name

                      
Date

                      
Respondent's Counsel's signature

                      
Print name

11/22/05  
Date

[Signature]  
Deputy Trial Counsel's signature

BROOKE A. SCHAFER  
Print name

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In the Matter of  BRYAN THOMAS CASTORINA Bar # 162843	Case number(s):  02-C-11140-RAH; 04-C-10858-RAH
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## ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulation as to facts and conclusions of law is APPROVED.
- ☒ The stipulation as to facts and conclusions of law is APPROVED AS MODIFIED as set forth below.
- ☐ All court dates in the Hearing Department are vacated.

1. In the heading on page 7 of the stipulation, "case no. 02-C-11140" is deleted, and in its place is inserted "case no. 04-C-10858."

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation; or 3) Respondent is not accepted for participation in the Program or does not sign the Program Contract. (See rule 135(b) and 802(b), Rules of Procedure.)

Date

7/3/06

Judge of the State Bar Court

  
RICHARD A. HONN



## **CERTIFICATE OF SERVICE**

**[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]**

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on August 2, 2006, I deposited a true copy of the following document(s):

**CONFIDENTIAL STATEMENT OF ALTERNATIVE DISPOSITIONS AND ORDERS;**

**STIPULATION RE FACTS AND CONCLUSIONS OF LAW; and,**

**CONTRACT AND WAIVER FOR PARTICIPATION IN THE STATE BAR COURT'S ALTERNATIVE DISCIPLINE PROGRAM**

in a sealed envelope for collection and mailing on that date as follows:

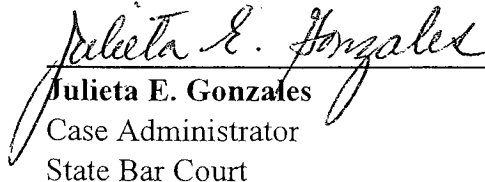
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**BRYAN T CASTORINA ESQ  
LAW OFFICES OF BRYAN T CASTORINA  
3500 OVERLAND AVE STE 110-102  
LOS ANGELES, CA 90034 - 5564**

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

**Brooke A. Schafer, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on **August 2, 2006**.

  
**Julieta E. Gonzales**  
Case Administrator  
State Bar Court

## CERTIFICATE OF SERVICE

[Rule 62(b), Rules Proc.; Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on April 21, 2010, I deposited a true copy of the following document(s):

DECISION AND ORDER SEALING DOCUMENTS;  
STIPULATION RE FACTS AND CONCLUSIONS OF LAW, CASE NOS.  
02-C-1140-RAH; 04-C-10858-RAH;  
STIPULATION RE FACTS AND CONCLUSIONS OF LAW, CASE NO. 06-O-11089;  
and  
STIPULATION RE FACTS AND COCLUSIONS OF LAW, CASE NO. 08-O-12305

in a sealed envelope for collection and mailing on that date as follows:

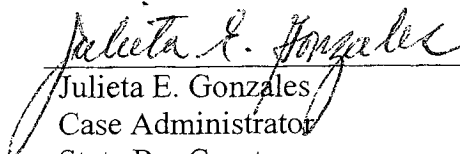
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

BRYAN T CASTORINA ESQ  
THOMAS CASTORINA & ASSOCIATES  
3520 OVERLAND AVE STE A-102  
LOS ANGELES, CA 90034

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Monique T. Miller, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on April 21, 2010.

  
\_\_\_\_\_  
Julieta E. Gonzales  
Case Administrator  
State Bar Court